

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CHRISTOPHER SADOWSKI,

Plaintiff,

v.

BACKCHINA, LLC d/b/a
WWW.21USCITY.COM

Defendants.

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Civil Action No. 4:17-cv-01562

Jury Demand

DECLARATION OF WILLIAM P. RAMEY, III

1. My name is William P. Ramey, III. I am over the age of 21. I have never been convicted of a felony, and I have personal knowledge of the facts contained herein, which are true and correct. If called as a witness, I could competently testify to these statements.

2. I am the managing partner at the law firm of Ramey & Schwaller, LLP and lead counsel on the above captioned matter for Defendant BackChina, LLC d/b/a www.21uscity.com.

3. In my discussion with Plaintiff's counsel, Matthew Higbee, I was told there were 11 photographs licensed to the New York Post, one of which was used in the New York Post news article. I was further told that Sadowski licensed the 11 photographs to the New York Post for \$5,500. Exhibit A to this Declaration is a true and correct copy of an alleged invoice to the New York Post produced by Sadowski in this litigation.

4. I requested proof of payment by the New York Post of the \$5,500. At first, I was told by Higbee that the Court did not Order Sadowski to produce that information. However, Higbee did provide that he was trying to get the information from his client.

5. However, as of the date of this Declaration, Plaintiff has provided no proof that the invoice to the New York Post for the Sadowski Photograph was ever paid, even after repeated requests by me.

6. I was further informed by Higbee that the Sadowski Photograph was licensed to an Australian news outlet, News.Com.Au, for \$1,500.00. However, Plaintiff produced only an invoice to the Australian news outlet and not proof of payment or even proof that a license to the Sadowski Photograph was requested by the Australian news outlet. As in the New York post invoice, no proof of payment was provided to Plaintiff. Exhibit B to this Declaration is a true and correct copy of an alleged invoice to the News.Com.Au produced by Sadowski in this litigation.

7. Likewise, as of the date of this Declaration, Plaintiff has provided no proof that the invoice to News.Com.Au for the Sadowski Photograph was ever paid.

8. On October 2, 2017, Sadowski produced a declaration purportedly showing other licenses for Sadowski's unrelated photographs. Specifically, Sadowski provided a one sentence statement as follows:

2. Pursuant to the Court's Order entered 9/13/2017 to provide licensing information about additional license granted for the use of the image used by BackChina:

The image involved in this case was licensed by the New York Post and News.Com.Au

Exhibit C to this Declaration is a true and correct copy of the first page of documents produced to Plaintiff on or about October 2, 2017.

9. Sadowski's paragraph immediately prior to the above-reproduced portion provides no proof that the New York Post or News.Com.Au paid any amount for the Sadowski Photograph.

1. Pursuant to the Court's Order entered 9/13/2017 to provide proof of sales for the five highest sales:

The following four invoices are for sales of my copyrighted images with corresponding proof of payment. These do not represent my highest sales, but rather the only ones I was able to obtain proof of payment for at this time. I will continue to work with my bank and former bank to obtain proof payment of other sales. I will supplement this request as I obtain the more records.

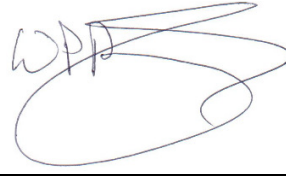
- Invoice #15-421-431; Dated 8/12/2015 – Client: Postmedia
 - Payment Received 9/2/15 via Check #44012351 - \$3500
- Invoice #16-646; Dated 9/7/2016 – Client: Valnet Inc.
 - Payment Received 9/12/16 via PayPal - \$215
- Invoice #16-649; Dated 9/23/2016 – Client: TeraData
 - Payment Received 10/13/2016 via Wire Transfer - \$515
- Invoice #170802; Dated 8/20/2017 – Client: North Jersey Media Group
 - Payment Received 8/29/2017 via ACH Deposit - \$125

10. Further, Sadowski admitted that he has no proof any payment by any entity for the Sadowski Photograph. Only invoices to News.Com.Au and the New York Post have been produced.

11. Exhibit A to the Nuefer Declaration is a true and correct copy of the original New York Post article that was posted on January 25, 2016.

12. Exhibit B to the Neuffer Declaration is a true and correct copy of the original BackChina news article that was posted on January 25, 2016.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

A handwritten signature in blue ink, appearing to read 'WPR', is written over a horizontal line.

Executed on October 13, 2017.

William P. Ramey, III

(name)